

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 98-1877

CLAUDIA SAILOR, a/k/a Claudia Sailor Nimocks,

Plaintiff - Appellant,

versus

UNITED STATES OF AMERICA,

Defendant - Appellee,

and

FRANK CLEARY,

Defendant.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. W. Earl Britt, Senior District Judge. (CA-97-755-BR)

Submitted: December 22, 1998

Decided: January 20, 1999

Before WILKINS and WILLIAMS, Circuit Judges, and BUTZNER, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

Claudia Sailor, Appellant Pro Se. Rudolf A. Renfer, Jr., Assistant
United States Attorney, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Claudia Sailor filed an untimely notice of appeal. We dismiss for lack of jurisdiction. The time periods for filing notices of appeal are governed by Fed. R. App. P. 4. These periods are "mandatory and jurisdictional." Browder v. Director, Dep't of Corrections, 434 U.S. 257, 264 (1978) (quoting United States v. Robinson, 361 U.S. 220, 229 (1960)). When the United States is a party, the unsuccessful litigant is accorded sixty days within which to file in the district court a notice of appeal from the judgment or final order. Fed. R. App. P. 4(a)(1). The only exceptions to the appeal period are when the district court extends the time to appeal under Fed. R. App. P. 4(a)(5) or reopens the appeal period under Fed. R. App. P. 4(a)(6).

The district court entered its order on March 31, 1998; Appellant's notice of appeal was filed on June 2, 1998, which is beyond the sixty-day appeal period. Appellant's failure to note a timely appeal or obtain an extension of the appeal period leaves this court without jurisdiction to consider the merits of Appellant's appeal. We therefore dismiss the appeal. We deny Appellant's motions for appointment of counsel and to delay responding to financial affidavit. We dispense with oral argument because the facts and legal contentions are adequately presented in the mate-

rials before the court and argument would not aid the decisional process.

DISMISSED